

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America

v.

MY'LIK KERLEY

Case No. SA-24-MJ-1113

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 31, 2024 in the county of BEXAR in the
WESTERN District of TEXAS, the defendant(s) violated:*Code Section**Offense Description*

21 USC 841(a)(1) & (b)(1)(B)

Possession with Intent to Distribute Methamphetamine.

PENALTIES: 5 to 40 Years Imprisonment, \$250,000 Fine, 4 Years
Supervised release, \$100 Mandatory Assessment

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.THOMAS E FALLON Digitally signed by THOMAS E FALLON
Date: 2024.08.01 21:28:30 -05'00'*Complainant's signature*

Tom Fallon Special Agent HSI

Printed name and title☐ Sworn to before me and signed in my presence.☒ Sworn to telephonically and signed electronically.Date: 8/2/24City and state: San Antonio, Texas*Judge's signature*

ELIZABETH S. CHESTNEY, US MAGISTRATE JUDGE

Printed name and title

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

I, Tom Fallon, being first duly sworn, do depose and state the following:

I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (HSI), and I have been so employed since April 2007. I am currently assigned to the Homeland Security Investigations (HSI) Special Agent in Charge (SAC) in San Antonio, Texas. I am a graduate of the Federal Law Enforcement Training Center and as a result of my training and experience as a Homeland Security Investigations Agent, my duties include (but are not limited to) the investigation and enforcement of Titles 8, 18, 19, 21, and 33 of the United States Code.

Prior to July 31, 2024, your affiant received information that My'lik KERLEY wanted to buy a firearm. On July 31, 2024, KERLEY arranged with an HSI Undercover Agent to sell a pound of methamphetamine at a discount in exchange for borrowing a fully automatic firearm to conduct a shooting in San Antonio, Texas. KERLEY met with an HSI Undercover Agent in San Antonio, Texas regarding the purchase of the fully automatic rifle. During this meeting, KERLEY inspected the fully automatic rifle provided by HSI Undercover Agents and agreed to bring back one pound of methamphetamine to borrow the rifle. KERLEY told the HSI Undercover Agent he would return with the "package" (one pound of methamphetamine).

KERLEY departed the meeting with the HSI Undercover Agent and coordinated a purchase of methamphetamine at a convenience store parking lot in San Antonio, Texas. During the methamphetamine purchase, law enforcement personnel observed KERLEY purchase one pound of methamphetamine from an individual for \$1,600. Based upon this information, law enforcement personnel pulled into the parking lot of the convenience store in their government issued vehicles. At this time, KERLEY fled from the vehicle he was in, and ran to a neighborhood behind the convenience store. KERLEY forced his way into a residence in an attempt to evade from law enforcement, however, the elderly female occupant notified law enforcement of KERLEY's presence in her home and KERLEY was taken into custody. KERLEY was then transported to the HSI San Antonio office for further investigation. Law enforcement personnel searched the vehicle KERLEY was in and seized one pound (450 grams) of methamphetamine inside the front passenger seat where KERLEY was sitting.

At the HSI office, affiant advised KERLEY of his Miranda rights in the English language. KERLEY acknowledge his Miranda rights and voluntarily waived them for purpose of interview. During the interview, KERLEY stated that he contacted a phone number to

coordinate the pound of methamphetamine that was recovered from the vehicle he was in. KERLEY stated that he had done this on multiple occasions but wasn't sure how many times.

Based upon the above information, your affiant believes that probable cause exists to arrest KERLEY for a violation of Title 21, United States Code, Section 841(a)(1) & (b)(1)(B), that is, Possession with intent to distribute Methamphetamine.

THOMAS E
FALLON

Digitally signed by THOMAS E
FALLON
Date: 2024.08.01 21:30:29
-05'00'

Tom Fallon
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me this 2nd day of August 2024.


Honorable ELIZABETH S. CHESTNEY
UNITED STATES MAGISTRATE JUDGE